

Lake Point City Council Minutes

Date: Wednesday, Nov. 8, 2023

Place: Lake Point Fire Station 1528 Sunset Rd Lake Point, UT 84074

Time: 6:00 PM

1. **Call to Order-** 6:00 pm
2. **Prayer-** Dan Crawford
3. **Pledge of Allegiance-** Ryan Zumwalt
4. **Presiding Officer-** Ryan Zumwalt
5. **Attendance Roll Call-** Ryan Zumwalt

Lake Point Council & Staff (C=Council)	Public	Public
Jonathan Garrard (Chair) on phone	Tina Garrard	Regina Nelson TCSD
Ryan Zumwalt (Vice Chair)	Matt Littlefield	
Dan Crawford (C.)	Nick Phillips	
Kathleen VonHatten (C.)	Donna Phillips	
Doyle Garrard (C.)	Alan VonHatten	
Jamie Olson (RCDR)	Becky Stromness - UDOT	
Rob Patterson (Attorney) left at 10:43 pm	Sarah Kaye Horrocks- UDOT	

6. **Legal Training – Rob** (2:41 recording)
 - A. (Dan) asked Rob about the repercussions of removing campaign signs in the city right of way.
 - i) (Rob) recited the laws that it breaks and strongly recommended to not remove or vandalize campaign signs.
 - B. (Doyle) asked if Rob had heard from Dominion
 - i) (Rob) he has not heard from them.
7. **Public Comment-** (5:36 recording)
 - A. Motion-Dan to open Public Comment. Kathleen 2nd
 - i) Motion passed unanimously
 - B. Tina Garrard (5:58 recording)
 - i) Asked if she needed to address the council concerning her permit extension request.
 - 1) The council will have her address the permit extension during that portion of the meeting
 - C. Alan VonHatten (7:04 recording)
 - i) Asked if they were discussing or voting on HBB
 - 1) (Dan) This is the 4th version not the final and he would like to be in ordinance form, he isn't pushing it to be done tonight, and would be okay if it takes another meeting to get it done.
 - 2) (Doyle) it would be hard to pass
 - 3) (Alan) It has discrepancies and errors
 - 4) (Alan) In his opinion, he is against it
 - 5) (Alan) Not here to live in a one-acre business park and you will bring people out here because we aren't strict enough and we want to be able to walk on roads and be safe because of traffic.
 - 6) (Alan) Is against motor vehicles and welding being done in a Home Based Business.
 - (a) (Dan) explained the draft is not organized and was cutting and pasting from other drafts.

- D. Nick Phillips (10:50 recording)
 - i) Asked about the General Plan and its availability to the public, when open houses will be, and when is it going to be finished.
 - ii) (Council) explained the different drafts that are and will be available as they are created.
 - iii) (Kathleen) Jan. there will be an Open House
 - iv) (Council) it is on the website, please leave comments in the General Plans where the consultant can see your comments and explain the process of approval of the final draft.
- E. Motion-Doyle to close Public Comment. Dan 2nd
 - i) Motion passed unanimously

8. Reports/Presentations

- A. Katelyn Collett- UDOT SR 36 project (please see attached Exhibit A.) (14:20 recording)
 - i) The first project is Southbound SR-36 from Sunset to Stansbury Parkway adding a 3rd lane to lessen congestion. They are trying to get this for next summer
 - ii) The second project is Northbound from Stansbury Parkway to 201 adding a lane
 - iii) (Kathleen) asked about the business impact
 - 1) (Katelyn) she doesn't have the plans yet but she will keep it in mind.
 - iv) (Doyle) asked about possible trails and partnering with UDOT to put the trails in while this project is being done.
 - 1) (Katelyn) asked where the trails would be.
 - (a) (Kathleen) said they aren't sure and it was suggested to try and work with UDOT to see if it was feasible and cheaper for the city to work together.
 - 2) (Katelyn) she suggested that a trail next to a high-speed facility would need to be very well thought out and planned.
 - 3) (Katelyn) She expressed some concerns and experience with similar completed projects.
 - 4) (Dan) brought up another project proposed for Tooele County.
 - (a) (Katelyn) This may help while that project is being planned and funded.
 - 5) (Dan) asked about lane closure.
 - (a) (Katelyn) She anticipates minimal impact on the traffic since there is already a shoulder.
 - 6) (Ryan) asked about the UDOT Corridor Preservation Agreement for Hwy 36 and if she knew a contact so Lake Point could be a party to that agreement.
 - (a) Might be Chip
 - 7) (Doyle) asked for some clarification on the plan
 - (a) (Katelyn) explained the plan is further detail.
 - 8) (Doyle) asked about the odds of conversion to flyover like Bangerter Highway
 - (a) (Katelyn) expressed that is not in the plans and she explained some trade-offs for highways like Bangerter.
 - 9) (Kathleen) brought up a walkway over
 - (a) (Katelyn) If a city really wants it, they will put forth the money or find the money.
 - 10) (Donna Phillips) asked about speed limits lowered in the McDonald area and merge lanes off Sunset.
 - (a) (Katelyn) to do that, they would need to do a traffic study.
 - (b) They can look into the merge lane, but it is a tight fit to fit the extra lane.
 - 11) (Nick Phillips) asked if she knew anything about the Oquirrh Mountain Express Way.
 - (a) (Katelyn) does not know what it is.
 - (b) (Council) explained options being proposed by the County.
 - v) (Citizen) asked speed limit questions in the Flying J and McDonald's area and dropped the speed limit there.
 - 1) (Citizen) Getting onto 36 from Sunset, there isn't a merge lane and would like a merge lane
 - 2) (Katelyn) What they are doing is a tight fit but will keep that in mind.
- B. Sheriff Report by Regina Nelson (36:30 recording)

- i) (Kathleen) asked how often they are doing patrolling
 - 1) (Regina) It is not a set schedule, but if they are aware of times that are a problem
 - ii) (Kathleen) brought up the stop sign by Mountain View and Shepherd-there are California stops at that intersection.
 - iii) (Dan) asked about the theft at Flying J and Denny's and if was theft at Denny's
 - 1) (Regina) It's a combination of different types of theft.
 - iv) (Kathleen)- brought up an RV's parking out by the railroad tracks on Chris's land and the people have now moved to BLM land.
 - v) (Jordan Taylor) brought up theft in Bridlewalk the builders are experiencing. Almost all builders are experiencing theft of all sorts of material.
- C. Treasurer Report (46:36 recording)
- i) (Doyle) gave the treasurer's report
 - ii) (Dan) asked what the outstanding balances from the first billing cycle for Trash
 - 1) (Kathleen) \$4,000 short from the first billing cycle
- 9. Action/Business Items (50:37 recording)**
- A. Post Moratorium Permit Extension
- i) Motion- Kathleen to extend county permit #15172 to Dec. 31, 2023. Dan 2nd
 - 1) Motion passed unanimously
 - ii) (Rob) had an update on the ILA
 - 1) (Rob) The county is working on a draft to propose to Lake Point.
 - iii) (Doyle) wanted to separate the Land Use ILA and other services into a separate ILA
 - iv) Motion Dan to move to items 9.C. and 9.D. before doing the Home-Based Business. Doyle 2nd
- B. Home-Based Business Ordinance Draft 4 (1:17:15 recording)
- i) Dan introduced this draft.
 - ii) The Council discussed the draft and went through their concerns and ideas (For topics and time stamps please reference the attached Exhibit B Home-Based Business Draft 4 (not all topics discussed are listed)
 - 1) Whereas Legal Nonconforming and edits to the Whereas's (1:24:30 recording)
 - 2) Home-Based Business Types
 - (a) Council discussed if they wanted two or three tiers/types of HBB Licenses (1:57:19 recording)
 - (i) The council decided to do a two-tier licensing
 - 3) Employee allowances in each tier (2:10:00 recording)
 - 4) Business Registration (2:27:00 recording)
 - 5) Employees- defining residence (2:36:40 recording)
 - 6) Deliveries and Customers (2:39:30 recording)
 - 7) Council gave Rob some clarifications on their vision of the items discussed to give him direction to create another Draft (2:56:00 recording)
 - 8) Section 3. Rights of residents and business owners (3:29:00 recording)
 - 9) Lot Size, Parking, Primary Use (3:31:00 recording)
 - 10) Signs (3:41:15 recording)
 - 11) Traffic, Occupation generating traffic (3:44:28 recording)
 - 12) ADA (3:52:30 recording)
 - 13) Exemptions (3:58:50 recording)
 - 14) Prohibited (4:00:00 recording)
 - 15) Large and Small Motor Repair (4:06:12 recording)
 - 16) Fluctuation on Utilities (4:19:45 recording)
 - 17) Fees (4:26:00 recording)
 - 18) Annual Events and mobile businesses (4:31:38 recording)
 - 19) Growth and Scaling (4:34:00 recording)
 - 20) Sales Tax (4:40:00 recording)

- iii) Motion-Dan Table until next week, Ryan 2nd
- C. Go Daddy Storage add-ons for Storage, Archiving, and Encryption. (1:00:55 recording)
 - i) (Jamie) explained the need for these add-ons and the costs
 - 1) Motion- Kathleen to approve paying for the add-ons for Storage, Archiving, and Encryption for month to month until we can review in January. Doyle 2nd
 - (a) Motion passed unanimously
 - ii) (Jamie) will research Google Vault and Microsoft prices.
 - D. City computer and phone storage (10:10:30 recording)
 - i) (Jamie) explained the need for this service.
 - ii) Motion- Doyle to approve this for memory upgrade Jamie and then approach this for Chaelea in the future. Kathleen 2nd
 - 1) Motion passed unanimously
 - iii) The Council moved back to item 9.B.

10. Attorney Clarification

- A. No questions for Rob and was excused from the meeting

11. Council Updates

- A. Kathleen VonHatten (4:43:50 recording)
 - i) Grant update
 - 1) Suggested Safe Side Walks and to talk to UDOT
 - 2) TAP Grant for the Transportation Masterplan update. The city needs to contribute 10% and he needs permission to apply for the grant from the Council.
 - (a) The Council agrees to let them apply for the grant.
 - 3) Transportation Master Plan update and discussed
 - 4) (Ryan) will be making resolutions for BLM, Union Pacific, and Utah Open Lands.
 - 5) Council needs to give input concerning access points on SR-36 before next Thursday.
- B. Ryan Zumwalt (4:57:30 recording)
 - i) Beehive tour
 - 1) Needs to be scheduled and it needs to be during daylight hours, Ryan will get this scheduled.
 - ii) Illegal Dumping Ordinance
 - 1) The Ordinance Committee will be working on an Illegal Dumping Ordinance
 - iii) Planning and Zoning Letter
 - 1) Certificate of appreciation to Planning and Zoning members
 - iv) Police Services Letter and Ryan needs input from the Council.
 - 1) How many officers, jurisdictions,
 - 2) Dedicated Marshals for our city option.
 - 3) Overtime officers as an option.
 - 4) Make it clear the service from the County Sheriff has been amazing.
 - v) Traffic speed control options
 - 1) Speed humps
 - 2) Look into grants
 - 3) Radar speed limit signs in the future and looking into costs.
 - vi) Certificates of appreciation.
 - vii) (Ryan) would like to reach out to the PZ members to see if they are still okay with their term of service.
 - viii) We need to amend the Planning and Zoning Resolution to correct terms since they do not alternate like the original intention. The way it is written all their terms would expire at the same time.
- C. Jonathan Garrard (5:15:04 recording)
 - i) General Plan feedback goes to Mike Friday so Mike can take the feedback to create another version.
- D. Doyle Garrard (5:19:04 recording)

- i) Workman's Comp Renewal
 - 1) Dan will work on this.
- ii) Rural Community Consultant
 - 1) Doyle will be sending a payment
- E. Dan Crawford (5:08:50 recording)
 - i) Council please enter suggestions in the Planning and Zoning Spreadsheet for recommendations to serve on the Planning and Zoning.
- F. (Jamie) had some items to bring to the council's attention so she can get some things finalized. (5:21:40 recording)
 - i) Update on Site Plan Review for Commercial

12. Public Comment

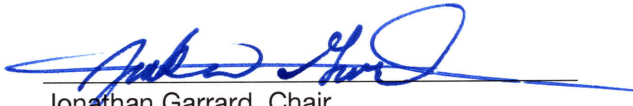
- A. No Public Comment

13. Adjournment-11:36 pm

Note-The minutes may include a summary of what was discussed and are not intended to be verbatim. All public meetings have an audio recording, time stamps are included in the minutes to help the public find where certain topics were discussed. Please see the audio recording of this meeting for a full audio record of the meeting.

Note- Additional information concerning meetings including agendas, minutes, recordings, written/typed public comment, other distributed materials, ordinances, resolutions, public notices, and how to sign up for notifications on the Public Notification Website, can be found at <https://lakepoint.gov> under Departments-Recorder.

PASSED AND APPROVED but the Council this 29th day of Nov, 2023


Jonathan Garrard, Chair

ATTEST:

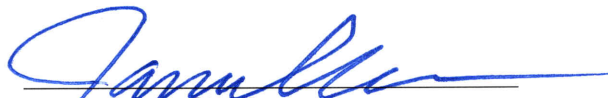

Jamie Olson, City Recorder

Exhibit A (2023.11.08)

SR-36 & I-80

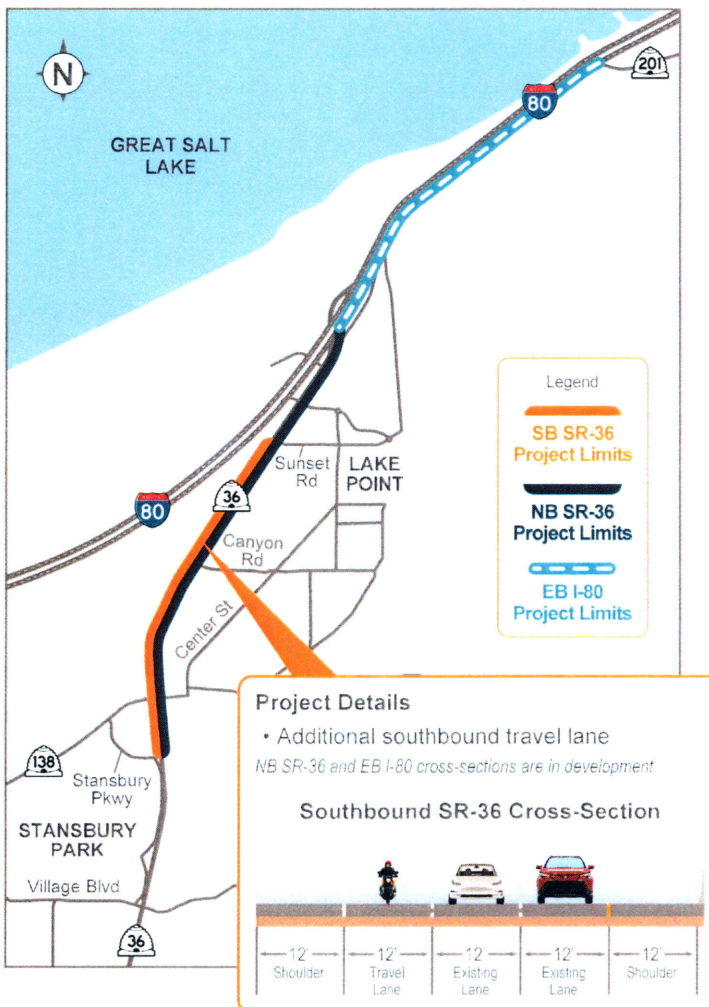
Tooele County

IMPROVED
by UDOT

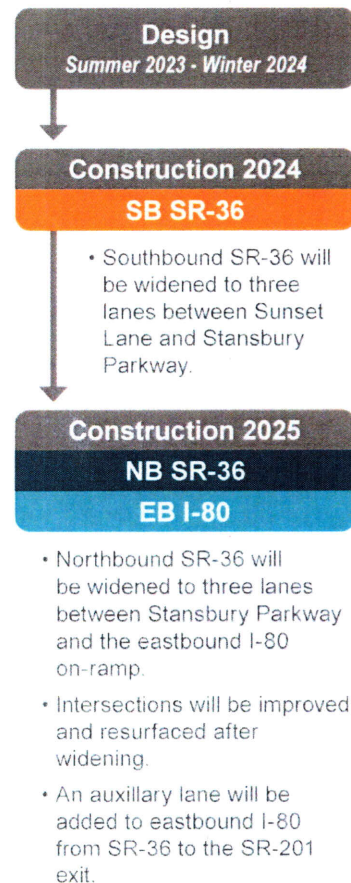
PROJECT OVERVIEW

The Utah Department of Transportation (UDOT) will widen State Route (SR) 36 between Sunset Lane and Stansbury Park, improve and resurface intersections on northbound SR-36 and add an auxiliary lane on eastbound I-80 from SR-36 to the SR-201 exit. This project is being done to improve mobility and reduce congestion for drivers. Construction will be done in phases and continue through 2025.

PROJECT AREA



SCHEDULE



HOTLINE (385) 324-2122
EMAIL SR36andI80improved@utah.gov
WEBSITE udotinput.utah.gov/sr36andI80improved



Exhibit B.
Draft 4 Home Based Business 11.08.2023

Super Combined HBB 4th try.

ORDINANCE NO. 2023-XX

AN ORDINANCE ADOPTING REGULATIONS RELATED TO HOME OCCUPATIONS

We the People, recognizing the importance of small businesses as a cornerstone of our economy and a source of innovation and opportunity, establish this framework to promote and protect the rights of home-based businesses, while also ensuring that they contribute to the common good and the well-being of our communities.

It is hereby declared that residents of the City of Lake Point may operate a home-based business.

WHEREAS Lake Point is authorized to license for the purpose of regulation any business within Lake Point's municipal boundaries and may regulate all such businesses by ordinance, and may impose fees on business to cover costs of regulation, pursuant to Utah Code § 10-1-203.

WHEREAS the Lake Point city council has adopted regulations related to business licenses;

WHEREAS the Lake Point city council desires to adopt specific regulations regarding the conditions and manner in which businesses located within residences and residential dwelling units may be permitted;

WHEREAS, the City of Lake Point acknowledges the importance of small home-based businesses as a cornerstone of our local economy and desires to promote entrepreneurship and economic growth while preserving the residential character of the community; and

WHEREAS, the City Council wishes to establish regulations for home-based occupations/businesses that prioritize the individual liberties enshrined in the U.S. Constitution and the Declaration of Independence, and that does not violate the Law of Nature and Nature's God; and We are therefore duty bound under the constitution of the United States to protect and promote unimpeded commerce for local businesses held within Lake Point Boundaries. By way of this ordinance."

WHEREAS, the City Council aims to enhance the well-being of our community and raise the standard of living, we further recognize the value home-based businesses create as sources of innovation and opportunity for residents of our city; and

WHEREAS the City Council desires to adopt specific regulations regarding the conditions and manner in which businesses located upon residential lots/parcels and residential dwelling units may be permitted;

All businesses that were in Lake Point City Boundaries before Lake Point City being established Jan 1st 2023, as a city. Will be grandfathered in as is without any changes to their operations or businesses.

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. Purpose. The purpose of this Ordinance is to allow the establishment and carrying on a modest level of business activity upon residential dwellings lots and parcels in Lake Point, provided that

such activities will be conducted under conditions and at levels of operation that will ensure that such activities remain incidental and secondary to the residential use and will not adversely affect, undermine, or injure the residents or the residential character of the Lake Point neighborhoods.

Section 1. The purpose of this Ordinance is to allow the establishment and operation of modest home-based occupations/businesses upon residential lots in Lake Point in a manner that respects individual freedoms and limits unnecessary government intervention. It seeks to encourage entrepreneurship, economic growth, and the responsible operation of home-based businesses within the City of Lake Point, while ensuring that these activities remain incidental and secondary to the residential use. They must also not impact neighboring properties, public health and safety or the community in a negative way.

Section 2. Definitions.

- a. Daycare. The care and supervision of children, other than children related to the adult resident(s) of a residential property, which care and supervision is in place of care ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.
- b. Home Occupation. An occupation or other commercial or business activity conducted on or within a residential dwelling unit and associated lot or parcel, which use is clearly incidental and secondary to the residential use of the property for dwelling purposes and does not change the character thereof. Home occupation does not include the rendering of services by an employee to an employer within a dwelling.
- c. In-home instruction. The provision of classes, lessons, training, practice, and other organized instruction in fields such as, but not limited to, dance, music, art, animal instruction, swimming, fitness, health, school subjects, or other similar subjects, offered within a residence to people, including children, who do not live at the residence. Includes in-home preschools.
- d. Preschool. An early childhood program that provides education and care to pre-elementary school aged children that emphasizes learning and development rather than daycare services.

2.2 Daycare: The care and supervision of children, other than children related to the adult resident(s) of a residential property, which is provided in place of care ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.

2.3 Home Occupation: An occupation or other commercial or business activity conducted upon a residential lot/parcel and/or within a residential dwelling unit, which is incidental and secondary to the residential use of the property and does not change its character. It does not include services rendered by an employee to an employer within a dwelling.

2.4 In-Home Instruction: The provision of classes, lessons, training, practice, and other organized instruction in various subjects, offered within a residence to individuals, including children, who do not live at the residence. This includes in-home preschools and also adult instruction courses.

2.5 Preschool: An early childhood program that provides education and care to pre-elementary school-aged children, emphasizing learning and development rather than daycare services.

Section 3.

3.1 Rights of Residents, including Home-Based Business Owners living within Lake Point: They have the right to engage in business activities according to the Declaration of Independence and the US Constitution. Home-based businesses may include office or professional services, arts and crafts, sales of goods, or other similar activities.

Home Occupation Regulations. Home occupations shall not be required to obtain a business license or other similar approval if the occupation and commercial use is entirely contained on the parcel, and does not result

in any offsite impacts from the commercial use. Each home occupation that does require a license shall comply with the following requirements:

- a. The occupation are encouraged to obtain a business license or register their business in Lake Point City— home occupation prior to operating the occupation. Such licensing and registering shall be applied for by the person who will be carrying on and be responsible for the business, which person must be a bona fide resident of the resident of the city. In obtaining such a license, the applicant shall submit the following information in addition to any other requirement for a business license:
 - i. A drawing of the area of the home, accessory structure(s), and yard showing the dimensions and areas in which the home occupation will be performed as compared to the unused portion of the home, accessory structure(s), and yard;
 - ii. Description of the proposed home occupation;
 - iii. Statement that the applicant will carry on and operate the home occupation in conformance with all applicable regulations, including this Ordinance;
 - iv. Statement from the owner of the property, if different than the applicant, approving of the proposed home occupation.
- b. The occupation shall be carried on solely by bona fide residents of the dwelling, provided that a home occupation may employ no more than (10) full-time employees, or part time equivalents thereof, who are not residents of the dwelling. [Can allow more, fewer, or no non-resident employees]
 - i. Guidelines-
 - (1) (1- Acre or larger)- up to 10 employees
 - (2) Between ½ to .75 Acre) 5 or less employees.
 - (3) Smaller than a 1/2 acre, 3 or less employee's.

Business that operates over these numbers will be subjected to.....????

As long as there is no parking on a street and adequate/safe parking sufficient/safe/ on their property.

- c. The occupation shall not occupy more than forty-nine percent (49%) 'remain incidental and secondary to the residential use' of the main dwelling structure, including any attached garage.
- d. The occupation shall provide off-street parking spaces for each employee, which spaces shall be in addition to all off-street parking spaces otherwise required to be provided for the dwelling and lot. All vehicles with logos, advertising, or branding, and all other equipment related to the occupation shall be parked or located in an off-street parking space on the property associated with the occupation. A parking and traffic flow plan (chicken scratch. simple outline) shall be submitted demonstrating adequate parking and access. Excluding the owner of the property.
- e. Signs may be permitted for the occupation to the extent permitted by the city's sign ordinances. The occupation shall have no more than one sign, not larger than six (6) square feet, attached to the main dwelling unit, advertising or displaying the existence of the home occupation. There shall be no other visible advertising of the home occupation. [Can also fully prohibit signage if desired] **The occupation shall have no more than one sign, not larger than 2X2 square sign, advertising or displaying the existence of the home occupation. There shall be no other visible advertising of the home occupation.**
- f.

- g. The occupation shall not create dust, smoke, vibrations, or odors that trespass onto adjacent property.
- h. The occupation shall not generate traffic prior to 6 o'clock AM or after 9:00 PM.
- i. The occupation shall not generate, require, or allow for commercial traffic or deliveries involving vehicles weighing in excess of twenty-six thousand (26,000) pounds, gross weight.
- j. The occupation shall not generate or require traffic in excess of five vehicles per hour average. All buildings, structures, and property in or on which the occupation is located shall comply with all building, fire, health, zoning, land use, and safety codes and regulations.

3.3 Neighboring Relations: In the event of a complaint related to a home-based business, complainants may resolve the issue with the business owner or with the City of Lake Point

NEW- REPLACING TYPE 1,2 & 3.

Registration is required for goods or services for businesses in Lake Point City. This will be done without any harm to the businesses now or in the future.

Registration is only for allowing Lake Point City to assist businesses in their growth and bring tax revenue to the city. No other purpose besides these two things.

Registration - Contact info, name, phone, address and tax I.D. This will be given to the city recorder/planning and zoning secretary through the Lake Point City website.

Business licenses may be asked for or if the business is required by law from the state of Utah or Federal Government. Or needed for commerce for their operations.

Section 4. In-Home Instruction and Daycare. Notwithstanding any other provision of this Ordinance, home occupations consisting of daycare and in-home instruction shall be permitted home occupations, so long as such occupation complies with the following requirements:

- a. All home occupation regulations set forth in Section 3.
- b. All daycares must receive applicable licensing from the Utah Department of Health and Human Services.
- c. A background check is encouraged for caregivers, teachers, instructors, and other support staff for daycares and in-home instructions serving children or students younger than 18 years of age.
- d. Daycares and in-home instruction may use their yards associated with the dwelling if such use does not materially change or alter the residential nature and feel of the property.

4.1 Type I Home Occupations: Type I home occupations do not require a permit or a home-based business license. These businesses engage in administrative support for off-site services and may use any portion of the residential property so long as the intended purpose of the property will remain incidental and secondary to its residential use and will only occupy up to forty-nine (49) percent of the area of the property.

4.1.1 Type I home occupations must comply with the following regulations:

- A) Exterior Appearance:** The residential appearance and characteristics must be maintained. Changes that make the dwelling look like a business, such as commercial exterior lighting or electric signs, are prohibited.

B) Customer Vehicles: On average, 3 vehicles per hour. To determine compliance, Average would be calculated for an entire week, from Sunday-Saturday.
$$\frac{\text{Total_weekly_vehicles}}{\text{Average_vehicles_per_hour}} = \frac{\text{Typical traffic hours}}{40 \text{ hours}}$$
 normally between 6 am and 9 pm.

C) Outside Business Signage: Signs may be permitted for the occupation to the extent permitted by the city's sign ordinances. **D) Employees and Parking:** No more than 3 employees at same time. ~~10 employees may be employed,~~ and off-site parking shall be provided.

E) Deliveries: Deliveries shall consist of ten (5) or fewer per week. Deliveries shall consist of five (5) or fewer per week. Deliveries from these listed companies do not count towards this total, since they are already in town on a daily basis: United States Postal Service, UPS, FedEx, and Amazon. Deliveries using vehicles weighing more than twenty-six thousand (26,000) pounds gross weight are restricted.

4.2 Type II Home Occupations: Type II home occupations do not require a permit or a home-based business license but ~~may be subject to certain objective standards to address potential impacts on the municipality, surrounding neighbors, or adjacent land uses. require permission from 75% of neighboring property owners.~~ These businesses may have more impact than Type I and may occupy up to fifty (50) percent of the heated area of the residence. ~~Additionally, home-based businesses may utilize non-heated areas, such as garages and other unheated spaces, without counting them towards the 50% of heated space occupancy limit.~~

4.2.1 Type II home occupations must adhere to the regulations outlined in Section 4.1 with the following adjustments: Customer Vehicles increases to 4 vehicles per hour, employees increases to 5 at same time, Deliveries increases to seven (7) or fewer per week and these additional requirements:

A) ~~Permission from Notification to Neighbors:~~ Guidelines for notification. ~~Permission must be obtained from 75% of neighboring property owners, although it is preferred to obtain permission from all adjacent properties.~~

i) Notification: The business owner shall provide written notification to neighboring property owners (those who are directly adjacent and across the street) from the residence where the home occupation will be conducted. The notification shall include information about the nature of the home occupation, any potential impacts (exterior appearance, signage, parking, access, lighting, noise, vibrations, etc.), and a contact point for any concerns or objections.

ii) Feedback and Mitigation: Neighboring property owners may respond to the notification with any concerns or objections related to the proposed home occupation within 10 days. The city will review these concerns or objections and work with the business owner to address and mitigate potential impacts. Mitigation measures shall be based on clear and objective standards provided in this ordinance.

iii) Approval: If, after the mitigation process, the city determines that the proposed home occupation meets the clear and objective standards, the business may proceed without the need for a permit or home-based business license.

B) Clear and Objective Standards:

i) All Items listed in 4.1.1 A thru E using adjusted values from 4.2.1

ii) Material Goods and Products: Material goods or products may be produced or manufactured between 8 am and 8 pm and may be stored on the property.

C) iii) Noise, Vibration, and Odors: Permissible during the hours of 8 am and 8 pm.

D) iv) Exterior Product Displays: Allowed if perimeter fencing and gates enclose the displays when the business is closed.

C) Mitigation Process: Upon receiving responses concerning the proposed home occupation, the City will evaluate these concerns within the scope of this ordinance. If a concern or objection falls

within the parameters defined by this ordinance, the City will collaborate with the business owner to implement appropriate mitigation measures. These measures will aim to address and satisfy the requirements set forth in this ordinance while ensuring that the home-based business maintains a harmonious relationship with the community.

D) Regular Review and Feedback:

i) Review of this ordinance may occur in the following ways:

1) Regular Review: A comprehensive review of this ordinance will commence in the 2nd quarter of 2025 and repeat every 5 years thereafter.

2) Complaint-Triggered Review: If a home-based business receives three complaints from neighboring parcels (those directly adjacent and across the street), a review of the ordinance may be initiated.

ii) **Feedback Process:** Whenever the City conducts a review of this ordinance, a feedback gathering process will be initiated. This process will begin with a work session involving home-based business owners and members of the community. The objective of this feedback is to ensure the ordinance remains relevant, effective, and supportive of economic development and individual liberties, while also providing a platform for valuable insights from the public.

4.3 Type III Home Occupations: Type III home occupations require a business license and are subject to the same standards referenced in section 4.2 to address potential impacts on the municipality, surrounding neighbors, or adjacent land uses, unless otherwise noted in **4.3.1**. permission from 75% of neighboring property owners. These businesses may occupy up to fifty (50) percent of the property. Additionally, home-based businesses may utilize non-heated areas, such as garages and other unheated spaces, without counting them towards the 50% of heated space occupancy limit.

4.3.1 These businesses may have more impact than Type II. Type III home occupations must comply with the regulations outlined in Sections 4.1 and 4.2. with the following adjustments: Customer Vehicles increases to 5 vehicles per hour, full-time employees or equivalent part-time employees increases to 10, Deliveries increases to ten (10) or fewer per week and these additional requirements:

A) Business License: A Type III business license is required to meet State and Federal laws when mandated or upon request by the home-based business owner. For a Type III business, this license must be kept in good standing with the City and it is a Clear and Objective Standard addition to the list in **4.2.1 B)** for Type III businesses with adjustments already noted in **4.3.1**.

B) Home Occupation Business License Fee: An annual fee for the Home Occupation business license shall be charged from July 1 to June 30 of the fiscal year.

i) The home occupation business license fee shall be charged annually, covering the period from July 1 to June 30 of the fiscal year.

ii) It is essential to pay the fee within 30 days of the due date to maintain a valid Business License. Failure to make the payment within the specified timeframe may result in the revocation of the Business License by the City.

iii) In case of license revocation, the City may communicate the necessary information to the appropriate State and Federal agencies.

Section 5. Other Special Home Occupations – special exceptions and carve-outs like daycares??

5.1 City Regulation Lake Point shall exercise the lowest amount of regulatory control necessary to protect public health, safety, and welfare without unduly burdening home-based businesses.

5.1.1 Licensing Requirement: Home-based occupations (Type III) requiring a license shall comply with the requirements outlined below:

A) License Application: Applicants for a home-based occupation license shall provide the following information, in addition to any other requirements:

- a) A drawing showing the area of the home, accessory structures, and yard where the occupation will be conducted compared to the unused portion of the property.
- b) A description of the proposed home-based occupation.
- c) A statement of compliance with all applicable regulations, including this Ordinance.
- d) Approval statement from the property owner, if different from the applicant.
- e) Permission from 75% of neighboring property owners. Notification to Neighbors and Mitigation done (when needed).

B) Operational Requirements:

- a) Off-street parking spaces shall be provided for each non-resident employee, in addition to all other required parking spaces for the dwelling. A parking and traffic flow plan shall be submitted to demonstrate adequate parking and access.
- b) The occupation shall not involve commercial traffic or deliveries using vehicles weighing more than twenty-six thousand (26,000) pounds gross weight.
- c) All buildings, structures, and property where the occupation is located shall comply with applicable building, fire, health, zoning, land use, and safety codes and regulations.

C) Continued Compliance:

Any license, permit, or authorization granted for a home-based occupation shall be subject to compliance with this Ordinance and all other applicable Lake Point land use and business license ordinances, codes, and regulations.

D) Denial and Revocation:

A business license for a home-based occupation may be denied or revoked in accordance with the procedures outlined in the Lake Point business license ordinance.

5.2 Inspections: Home-based businesses are entitled to one inspection per year if requested, with the cost of the inspection borne by the business owner as part of the licensing fee. Business owners may also request additional inspections during the year at their discretion, with each additional inspection incurring an additional cost to be borne by the business owner.

In the absence of a request by the owner, no inspections shall be conducted.

Section 6. Prohibited Home Occupations. The following are not permitted to be operated as a home occupation:

- a. Animal hospital or clinic;
- b. Junkyard or scrapyard;
- c. Medical hospital, clinic, or office;
- d. Retail sales to the general public;
- e. Sales, leasing, rental, repair, or servicing of motor vehicles, ATVs, recreational vehicles, construction equipment, and similar motorized vehicles or equipment;
- f. Sales, leasing, rental, repair, or servicing of motor vehicles.
- g. Sexually oriented or adult oriented business;
- h. Funeral services- unless inspected and commercial grade levels in interior and exterior protocol from the state of utah laws.
- i. Toxic Waste business or material
- j. Biohazard business or material

Section 6: Additional Considerations

6.1 Sales Tax: Citizens engaged in home-based businesses are responsible for reporting, collecting, and remitting all applicable sales taxes to the appropriate governing authority, if required.

6.2 Insurance: Home-based businesses are recommended by the City to may need to obtain liability insurance or other types of insurance to protect themselves and their business from potential lawsuits or damages, depending on the nature of the business.

6.3 Off-Street Parking: Home-based businesses may be required to provide off-street parking if they have employees or customers who need to park nearby. The number of required parking spaces shall be determined based on the size and type of the business [specified/calculated in the City Design Standards concerning parking].

6.4 Permit Parking: Home-based businesses may be eligible to obtain permits for employee or customer parking on designated streets identified and permitted by the City for local businesses. Additionally, businesses may enter into agreements with neighbors for parking arrangements.

6.5 Accessibility Requirements: Home-based businesses open to the public serving customers with disabilities may be required by the ADA to provide accessible parking spaces based on specific requirements, including proximity to the entrance and having the appropriate and proper signage.

6.6 Short-term Rentals: Short term rentals are allowed. The Transient Room Tax will need to be collected and allocated to the City, with the responsibility of doing this placed upon the hosting site for the Short-term Rental.

Section 7: In-Home Instruction and Daycare

7.1 General Requirements: Home-based occupations involving daycare or in-home instruction are permitted without any license from the city.

7.2 Optional Licensing: An optional business license may be obtained from the City and will be subject to the following:

- a) Compliance with all requirements outlined in Section 5 (Home-Based Occupation Regulations).
- b) Daycare operators must obtain the necessary licensing from the State of Utah Child Care Licensing.
- c) Daycares and in-home instruction may use all areas of their yard and/or parcels. portions of the yard associated with the dwelling if such use does not significantly alter the residential nature of the property.

Section 8: Exemptions

8.1 In-Home Instruction: see 2.4

8.2 Agriculture - Animals : Farm animals (including 4-H) in alignment with City Zoning for the parcel/lot. Greenbelt properties may have different regulations.

8.3 Agriculture - Food (for Human or Animal usage and consumption) : Includes field crops (examples: hay, wheat, rye, straw), Vegetable Gardens, Orchards, Greenhouses, Mutton, Beef, Pork, Fowl, etc.

8.4 Minor-operated business: means a business that is operated by an individual who is:

- a) Under 18 years old.

Section 9: Conclusion

This ordinance provides the framework for the operation of home-based businesses in the City of Lake Point, prioritizing individual liberties while ensuring minimal government interference. By adhering to the principles outlined in the US Constitution, the Declaration of Independence, and relevant state and local regulations, Lake Point aims to foster a vibrant and entrepreneur-friendly community.

SECTION TO WORK ON SCALING FOR BUSINESSES IN LAKE POINT

Section 2. Home Based Occupation Growing/Scaling outline procedures.

Home based commercial light business growing into a full on commercial based business.

Home-based businesses may not employ more than ten non-resident employees on RR1. (Refer to section 3b.i for guidelines.) If a home based business wants to grow beyond 10 employee's, then the following criteria is below.

- 1.) **There is an exit date strategy to grow/scale their business from their home based property to a commercial zoning to support their growing business.**

(Example- ABC COMPANY- Jan 1st 2025. Last date that ABC COMPANY can operate in a residential dwelling before the city will encourage or assist companies to move forward with those changes.)

- 2.) Lake Point City Planning and Zoning Commission will work with home business owners to assist in the transition period to moving to commercial property over a period of 12-18 months. (to allow time to sign a lease, lease to purchase agreement or build a commercial building.)

If the home based business does not meet these timelines, they shall minimize their employee count to follow the guidelines section 3b.i.

This will consist of the following:

A.) Owners of the growing Home Based business will take action to move from their home based business to a light or full on commercial property. Providing documentations showing an intent for lease agreement, entering a contract to purchase a building or lot if asked regarding their progress to move.

B.) Owners of the growing business shall/can show Lake Point Planning and Zoning Commissions a simple outline and the timeline of their plan if necessary.

Lake Point City wants to pair up with developers to form Small Business Incubators to assist growing businesses.

(For example a strip mall in the appropriate business district that has a month to month rental for the first 12 months. To keep costs low for the landlord there will be no TI's (Tenant Improvements) except for a restroom, office, lighting and HVAC. Once a business starts to show signs of success the lease will progress to a year then to a 3 year, then a 5 year. At this time a strip mall starts to get filled up. Other units will be built to house the growing business community.)

C.) Resources from Center for Rural Development <https://business.utah.gov/rural/>

D.) Small Business Specialists Committee- (SBA) Counseling and resources. (Group of past or present business owners to assist) Please let us know if you would like to contribute.

Salt Lake City

125 S. State St., Suite 2227
Salt Lake City, UT 84138

Phone: 801-524-3209

<https://www.sba.gov/district/utah>

Bryan Coulter

Johnny Doey

Wyatt Earp

Marilyn Streisand

Commercial Real Estate Agents

Website ??

D.) Small Business Government Agencies/Resources- (SBDC) They launch you into most or all programs out there. Micro loan program etc.

State-

<https://www.sba.gov/local-assistance/resource-partners/small-business-development-centers-sbdc#id-how-can-an-sbdc-help-my-small-business>

Tooele SBDC - Utah State University

88 S Tooele BLVD Room 207 Tooele, UT 84074

435-843-6611

<https://utahsbdc.org/locations/tooele/>

Section 11- NEW STUFF- MOBILE BIZ & EVENTS-